

TCP/11/16(376)

Planning Application – 15/00827/IPL – Erection of a dwellinghouse (in principle), land 50 metres south of Belfield, Woodlands Road, Blairgowrie

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TCP/11/16(376)

Planning Application – 15/00827/IPL – Erection of a dwellinghouse (in principle), land 50 metres south of Belfield, Woodlands Road, Blairgowrie

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒ X

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ X No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

It is considered that a Hearing Session would be appropriate in this instance in order to allow the Council to fully and properly explain their contention that the application site is of value to the local community for amenity purposes and thereafter to allow the applicant a proper opportunity to present evidence which will counter this position.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The application site forms part of the private garden ground of the property at Belfield and as such, in order to protect the privacy of the occupants, unaccompanied access to the site would be inappropriate.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to the matters which are set out within the attached Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The Review submission is accompanied by one additional plan, the existence of which was not known of at the time of the original application submission. This additional plan provides confirmation that the application site formed part of the private garden ground associated with Belfield prior to 1911, and hence provides further confirmation that the application site does not form part of any area of land to which the general public have a right of access.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Please refer to attached list (as detailed within the Statement of Review).

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

on behalf of Andrew Bennie Planning Limited

Date

26th August 2015

STATEMENT IN SUPPORT OF
LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
15/00827/IPL

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Dullatur
G68 0AP

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August 2015

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- 3.0 Reasons for Requesting Review
- 4.0 Review Procedure
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- Appendix 2: Schedule of Documents
- Appendix 3: Review Documents

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. M Wojtowitz, in support of his request that the Planning Authority, under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning application reference 15/00827/IPL.
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference 15/00827/IPL, planning permission in principle was sought for the erection of a single dwelling house on that land which comprises the application site.
- 2.2 The application site lies to the south of the existing dwelling house known as Belfield, which is located on the west side of Woodlands Road, Blairgowrie, and comprises an area of land falling within the established private residential curtilage of Belfield. During or around 1911, the application site was laid out as an orchard, with a small number of the fruit trees remaining on the site, with the land prior to 1911 having been used for the growing of raspberries. Both the orchard and raspberry bushes fell within the residential curtilage of Belfield.
- 2.3 The site is bounded to the north, south and east by existing residential properties and to the immediate west by land forming part of the rear garden ground associated with Belfield, beyond which, too the further west, lies an extensive area of open space.
- 2.4 Existing mature trees, which would be unaffected by the proposed development, run along the sites northern and southern boundaries.
- 2.5 The site would be accessed via the existing access which serves Belfield, which itself takes access off Woodlands Road.
- 2.6 The application sought only to establish the principle of the erection of a single dwelling house on the site and did not present any details of the proposed dwelling house for consideration and or approval.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the appointed person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 Rather, it is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development would not give rise to any demonstrable adverse impacts upon value, to the local community, of the open space which lies to the west of the site as an amenity resource.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body hold a Hearing session to allow a full and proper examination to be had of the alleged impact of the proposed development upon the amenity value of the site and the surrounding area and also that they carry out an accompanied inspection of the application site.
- 4.2 Given the nature of the application proposals, it is considered that conducting the requested Hearing session and the carrying out of an accompanied site inspection represent the best means of allowing the Local Review Body to gain a full and proper understanding of the potential impact of the application proposals upon the surrounding area and in turn the extent to which the proposals can be reasonably justified against the relevant provisions of the adopted Local Plan.

5.0 GROUNDS OF REVIEW

- 5.1 The application which forms the basis of this Review, was refused planning permission on the basis of the reason set out below:

1. The proposal is contrary to Policy CF1A of the Perth and Kinross Local Development Plan 2014, which seeks to protect areas of existing open space from new development. The development of a house on the site would result in the loss of land, which presently has value to the local community for amenity purposes.

- 5.2 A full copy of the Decision Notice on this application is provided at Document 5, within Appendix 3 of this Statement.

- 5.3 Our response to the stated reason for the refusal of planning application reference 15/00827/IPL is set out below.

- 5.4 Policy CF1A: (Open Space Retention and Provision) Existing Areas, advises that:

"The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

- (a) Where the site is principally used as a recreational resource, the proposed development is ancillary to the principle use of the site as a recreational resource.
- (b) The proposed development involves a minor part of the site and would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.
- (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports

pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision."

5.5 From the clear and unambiguous manner in which the terms of Policy CF1A is constructed, it is beyond doubt that it does not present an absolute prohibition against any development within those areas of land which are covered by the policy. Rather, the policy makes clear that development proposals which can be justified against one or more of the qualifying criteria set down within the policy will be acceptable to the Council.

5.6 Part (b) of Policy CF1A makes allowance for the development of land covered by the terms of Policy CF1 in those circumstances when:

"The proposed development involves only a minor part of the site which would not affect its use as a recreational or amenity resource."

5.7 The application site lies within a much larger area of land to which the terms of Policy CF1 apply.

5.8 The Blairgowrie/Rattray Proposals Map shows the full extent of the CF1 designated land within the vicinity of the application site and it is clear from the Proposals Map that the land so designated covers an extensive area stretching both west and south of the application site.

5.9 The Plan provides no indication that this area of land should be considered as comprising anything other than a single "designation" and as such, it is considered to be both entirely reasonable and justifiable to assess the impact of the proposed development of the application site in terms of the affect that it would have upon the integrity of the overall extent of the designation.

5.10 To this end, it is important to note in the first instance that whilst covered by the terms of Policy CF1, the application site does not form a functional part of the wider area of open space, rather it quite clearly forms part of the private garden ground of the property at Belfield.

5.11 The site plan, which is provided at Document 5, shows the layout of the garden ground associated with the Belfield in circa 1911 and provides confirmation that since at least 1911, the application site has formed part of the domestic curtilage of Belfield.

- 5.12 On this basis, the application site is self evidently not used for recreational purposes and its retention in its present condition is not required in order to preserve the recreational value of the wider area of land to the south and west.
- 5.13 In similar terms, the application site clearly forms part of the domestic curtilage of the property at Belfield and in visual terms is quite distinctly different in terms of its nature, character and appearance when compared to that of the wider area of open space to the west to which it generally abuts.
- 5.14 Accordingly, it is considered that the application site does not form an integral part of this wider area of open space, and that its development as proposed under this application would neither impede access to the wider area of open space, nor would it have any demonstrably adverse impact upon the overall extent of this open space, or upon the existing level of amenity which it attributable thereto.
- 5.15 It is also note worthy that the application site is the only area of land, which forms part of an existing domestic curtilage, which is covered by the terms of Policy CF1.
- 5.16 As the application site is unique in this sense, it is unreasonable for the Appointed Person to suggest, as he does so on page 4 of the Report of Handling, that the proposed development would set a precedent for the development of similar gap sites within the Rosemount area, this being on the simple basis that there are no comparable gap sites within this area.
- 5.17 Given that the application site forms part of the defined curtilage of the property at Belfield, it should also be bourn in mind that this land has certain permitted development rights afforded to it under the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 2011.
- 5.18 The permitted development rights, which are afforded to Belfield under the terms of the above noted Order are not extinguished or otherwise restricted by the terms of the adopted Local Development Plan.
- 5.19 Class 3 of the Order would allow for the construction, within the curtilage of Belfield, which would include that land covered by the application which forms the basis of this Review, of any building or means of enclosure for any purpose incidental to the enjoyment of the dwelling house, with it being possible in this particular instance to potentially construct a

building that would be generally of the same size and scale as a single storey dwelling house.

- 5.20 Whilst it is not suggested that any such building will be constructed, it is nevertheless relevant for the Review Body to understand and appreciate that the character of the application site could change in the future irrespective of the terms of Policy CF1A.
- 5.21 Under the heading of "Policy Appraisal", the Appointed Person has responded to those matters raised within the Planning Statement, which accompanied the application submission, and which referred to the recent Examination of the now adopted Local Development Plan.
- 5.22 Within the context of the recent Examination into the now adopted Local Development Plan, the Council are on record, within the terms of their Schedule 4 Response relative to objections concerning the application site, as stating that the site could be removed from the wider CF1 designation as the land concerned is of limited size and would not undermine the character of the wider Rosemount area and that they would not oppose any Modification proposed by the Reporter to this effect.
- 5.23 Whilst the Appointed Person is correct in stating that the modification to this end was not ultimately supported by the Reporter, it remains the case that in the professional view of the Council as planning authority, the application site could be removed from the CF1 designation, which would allow for its subsequent redevelopment as proposed under this application, without compromising the integrity of character of the wider CF1 area.
- 5.24 It follows naturally and incontrovertibly from this position that if the Council were content for the application site to be removed from the CF1 designation, they should equally be content to support the development of the application site, as proposed under this application, under the exceptions provision which is set out within part (b) of Policy CF1A.
- 5.25 Given that the clear purpose of this exception to the terms of Policy CF1 is designed to allow development to take place in circumstances where it would not give rise to any adverse affect on either to continued recreational use of the resource, which does not apply in this case, or upon its amenity value, which the Council have fully accepted would not be adversely affected, it is submitted that the proposed development can be fully and reasonably justified against the provisions of part (b) of Policy CF1A.

5.26 In view of the matters set out above, it is respectfully submitted that the proposed development can be fully and reasonably justified against the provisions of Policy CF1A of the adopted Local Development Plan.

6.0 ADDITIONAL DOCUMENTATION

- 6.1 In addition to the documentation which was submitted as part of the application to which this Review relates, copies of which are provided at Documents 1-5, within Appendix 3, this Review is supported by one additional document which was not before the Appointed Person at the time that the application was determined.
- 6.2 This document, which is provided at Document 6, within Appendix 3, comprises a plan, which shows the plot layout and garden ground associated with the property at Belfield.
- 6.3 The existence of this plan was not known at the time that the application was under consideration by the Appointed Person.
- 6.4 As such, it was not possible for this plan to be provided at an earlier date.
- 6.5 Accordingly, it is respectfully submitted that the Review Body allow this additional information to be considered as part of this Review.

7.0 SUMMARY

- 7.1 It is my respectful submission that the Appointed Person has failed to provide sufficient information to support and justify the stated reason for the refusal of this planning application.
- 7.2 It is submitted that the terms of Policy CF1A makes provision for the granting of planning permission for the development of land covered by said policy in instances where "The proposed development involves a minor part of the site and would not affect its continued use as a recreational or amenity resource".
- 7.3 In the specific circumstances of the application proposals, which form the basis of this Review, the proposals relate to the development of an area of private garden ground, the loss of which will have no demonstrable or adverse impact upon the amenity value, for the local community, of the wider area of land covered by Policy CF1, of which the application site forms only a very minor part.
- 7.4 It is further submitted that the granting of permission pursuant to this Review would not establish any form of precedent, given that the application site comprises the only section of private garden ground which is covered by Policy CF1, which has the effect of making the application site unique in terms of its specific policy coverage.
- 7.5 Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 15/00827/IPL.**

Appendix 1

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

It is considered that a Hearing Session would be appropriate in this instance in order to allow the Council to fully and properly explain their contention that the application site is of value to the local community for amenity purposes and thereafter to allow the applicant a proper opportunity to present evidence which will counter this position.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The application site forms part of the private garden ground of the property at Belfield and as such, in order to protect the privacy of the occupants, unaccompanied access to the site would be inappropriate.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to the matters which are set out within the attached Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The Review submission is accompanied by one additional plan, the existence of which was not known of at the time of the original application submission. This additional plan provides confirmation that the application site formed part of the private garden ground associated with Belfield prior to 1911, and hence provides further confirmation that the application site does not form part of any area of land to which the general public have a right of access.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Please refer to attached list (as detailed within the Statement of Review).

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

on behalf of Andrew Bennie Planning Limited

Date

26th August 2015

Appendix 2

LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
15/00827/IPL
SCHEDULE OF DOCUMENTS

Document 1: Applications Forms and associated Certificates

Document 2: Location Plan and Site Plan

Document 3: Statement in Support of Planning Application

Document 4: Report of Handling

Document 5: Decision Notice

Document 6: Site Layout Plan circa 1911

Appendix 3

DOCUMENT 1

15 MAY 2015 15/00887/PL

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	M	Forename	Andrew
Surname	Wojtowicz	Surname	Bennie
Company Name		Company Name	Andrew Bennie Planning Ltd
Building No./Name	Belfield	Building No./Name	
Address Line 1	Woodlands Road	Address Line 1	3 Abbots Court
Address Line 2		Address Line 2	
Town/City	Blairgowrie	Town/City	DULLATUR
Postcode		Postcode	G68 0AP
Telephone		Telephone	
Mobile		Mobile	07720 700210
Fax		Fax	
Email		Email	andrew@andrewbennieplanning.com
3. Postal Address or Location of Proposed Development (please include postcode)			
Land lying to the south side of Belfield, Woodlands Road, Blairgowrie			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of single detached dwelling house, Planning Permission in Principle

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☒ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: Mr. John Williamson

Date: 11 June 2014

Ref No.: 14/00397/PREAPP

Highlighted those policies which are of relevance to the assessment and determination of the application.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Garden ground.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

2

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

Andrew Bennie Planning Ltd

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

[Redacted Signature]

On behalf of:

Andrew Bennie Planning Limited

Date:

14/5/15

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

or

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed
On behalf of
Date

*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

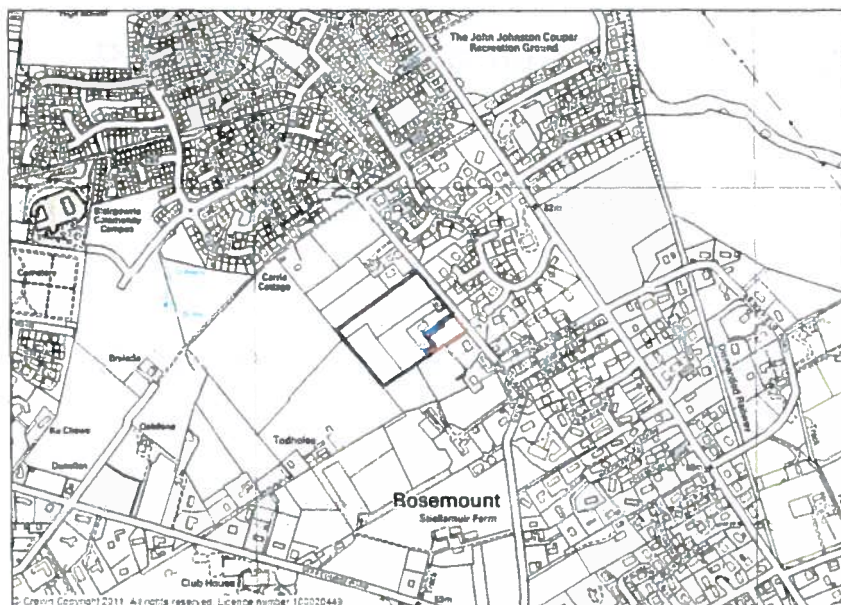
[Note 4] – Insert description of proposed development.

[Note 5] – Insert planning authority address.

DOCUMENT 2

BIDWELLS

Land at Belfield, Blairgowrie



PERTH AND KINROSS COUNCIL

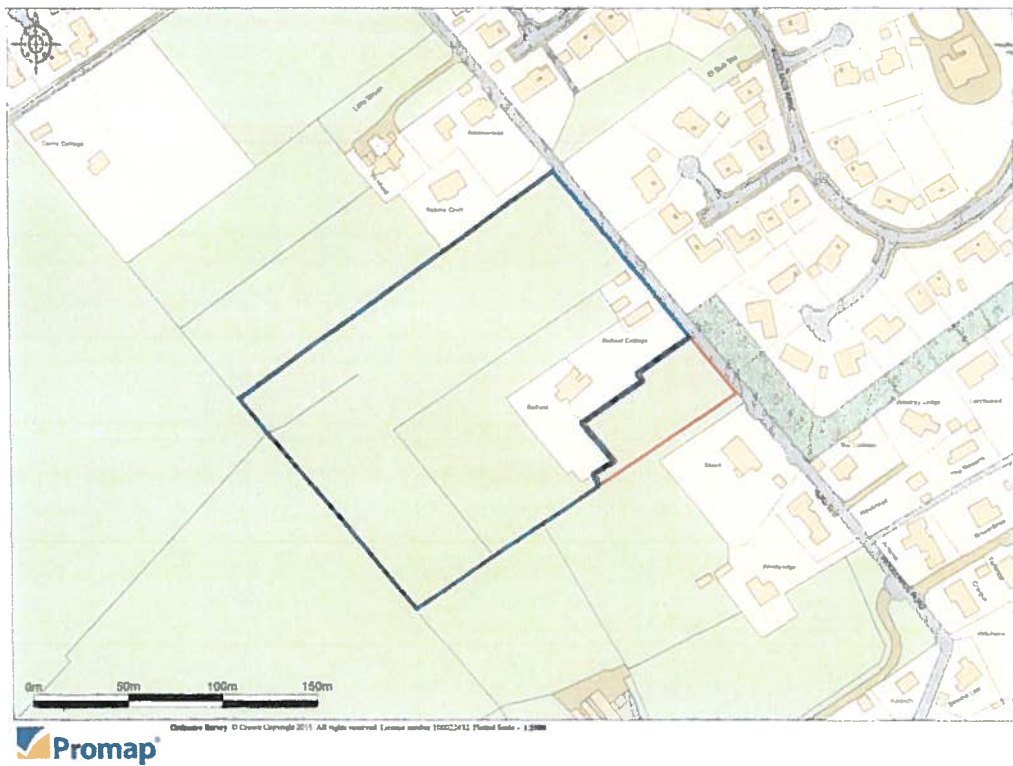
DRAWING REF: IS10082711

Scale 1:10,000

OS Licence ES 754 900

0m 500m 1000m

Land at Belfield, Blairgowrie



PERTH AND KINROSS COUNCIL

DRAWING REF: 15/00827/2

DOCUMENT 3

STATEMENT IN SUPPORT OF AN
APPLICATION FOR PLANNING
PERMISSION IN PRINCIPLE
FOR THE ERECTION OF A SINGLE
DETACHED DWELLING HOUSE ON LAND
TO THE SOUTH OF BELFIELD, WOODLANDS ROAD
BLAIRGOWRIE

PREPARED ON BEHALF OF
MR M WOJTOWICZ

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Tel: 07720 700210

Email: andrew@andrewbennieplanning.com

May 2015

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1.0 Introduction

2.0 The Application Site

3.0 Planning Policy Background

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5.0 Planning Assessment

6.0 Conclusions

1.0 INTRODUCTION

This statement has been prepared by Andrew Bennie Planning Limited, acting as consultant for Bidwells, on behalf of Mr. M Wojtowicz and is submitted in support of an application for planning permission in principle, which seeks permission for the erection of a single detached dwelling house on land lying to the south of, and within the domestic curtilage, of the

This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed.

Should Perth & Kinross Council require any further, relevant information or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timeous provision.

2.0 THE APPLICATION SITE

The application site lies to the south side of the existing dwelling house known as Belfield, which itself lies on the west side of Woodlands Road, and comprises an area of land which lies within the existing domestic boundary of Belfield and which was originally laid out and planted as an orchard, albeit that only a small number of the original fruit trees remain within the orchard.

The site is bounded to the east by the line of Woodlands Road, to the west by the garden ground associated with Belfield, to the south in part by the garden ground of an existing residential property and also by open ground and to the north by Belfield itself.

Mature trees run along the length of the sites northern and southern boundaries.

The site is accessed via the existing driveway which serves Belfield and which is accessed off Woodlands Road.

This application seeks simply to establish the principle of the erection of a single detached dwelling house on the site and no details of the proposed dwelling house are put forward for consideration and approval at this time.

3.0 PLANNING POLICY BACKGROUND

For the purposes of this application submission, it is considered that the scale of the development proposed is such that it does not raise any issues of strategic consequence and that as such, the provisions of the TAYPlan Strategic Development Plan are not of relevance.

Accordingly, it is considered that the adopted Perth & Kinross Local Development Plan sets out the principle policy basis against which the application proposals require to be assessed and determined.

The Blairgowrie/Rattray Proposals Map shows the applications site as lying immediately outwith, albeit directly abutting, the defined urban boundary, with the application site falling within a much wider area of land to which the provisions of Policy CF1: Open Space Retention and Provision applies.

Paragraph 3.7.1 of the Plan advises that:

"A high quality environment and a strong cultural identity are key assets in promoting sustainable economic growth and community development and to provide a context for development."

Paragraph 3.7.2 of the Plan advises that:

"Community sport and recreation facilities contribute to this cultural identity offering opportunities for a wide range of social interaction and are important to local identity. They also help to support healthier living and active travel. Playing fields, including those within educational establishments, which are required to meet existing or future needs are identified in the Plan."

Accordingly, paragraph 3.7.4 of the Plan advises that:

"The following policy framework for development is intended to protect and enhance facilities."

Policy CF1, at part CF1A: Existing areas advises that:

"The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one of the following apply:

- (a) Where the site is principally used as a recreational resource, the development is ancillary to the principle use of the site as a recreational resource.
- (b) The proposed development involves only a minor part of the site, which would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another which is convenient for its users.
- (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision."

The settlement statement, which accompanies the Blairgowrie/Rattray Proposals Map, contains no additional commentary, which is of direct relevance to the application site.

Pre-Application consultation with the Council has identified that the following policies are also of relevance to the assessment of the proposed development.

1. Policy PM1: Placemaking, including Policies PM1A and PM1B.
2. Policy PM3: Infrastructure Contributions.
3. Policy TA1: Transport Standards and Accessibility Requirements – Policy TA1B: New Development Proposals.
4. Policy NE2: Forestry, Woodland and Trees – Policy NE2B.
5. Policy NE3: Biodiversity.
6. Policy EP3: Water Environment and Drainage.

4.0 THE APPLICATION PROPOSALS

Under the terms of this application, planning permission in principle is sought for the erection of a single detached dwelling house on the land, which comprises the application site.

The proposed dwelling house would be accessed via the existing driveway, which serves the existing property at Belfield.

Except for confirming the vehicular access arrangements for the proposed dwelling house, no further details of the nature and form of the proposed development are put forward for consideration and approval at this time rather, these details will come forward for approval at the "matters specified by condition" stage.

5.0 PLANNING ASSESSMENT

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

For the purposes of the determination of this planning application, it is considered that the provisions of Policy CF1 (CF1A) of the adopted Local Development Plan comprises the principle policy basis against which the acceptability of the proposed development falls to be assessed.

Part (b) of Policy CF1A makes allowance for the development of land covered by the terms of Policy CF1 in those circumstances when:

"The proposed development involves only a minor part of the site which would not affect its use as a recreational or amenity resource."

The application site lies within a broader area of land, which is covered by the terms of Policy CF1.

The Blairgowrie/Rattray Proposals Map shows the full extent of the CF1 designated land within the vicinity of the application site and it is clear from the map that the land so designated covers an extensive area stretching both west and south of the application site.

The Plan provides no indication that this area of land should be considered as comprising anything other than a single "designation" and as such, it is considered to be both entirely reasonable and justifiable to assess the impact of the proposed development of the application site in terms of the affect that it would have upon the integrity of the overall extent of the designation.

To this end, it is important to note in the first instance that whilst covered by the terms of Policy CF1, the application site does not form a functional part of the wider area of open space, rather it quite clearly forms part of the private garden ground of the property at Belfield.

On this basis, the application site is self evidently not used for recreational purposes and its retention in its present condition is not required in order to preserve the recreational value of the wider area of land to the south and west.

In similar terms, the application site clearly appears on the ground as forming part of the domestic curtilage of the property at Belfield and in visual terms is quite distinctly different in terms of its nature, character and appearance when compared to that of the wider area of open space to which it abuts.

Accordingly, it is considered that the application site does not form an integral part of this wider area of open space, and that its development as proposed under this application would neither impede access to the wider area of open space, nor would it have any demonstrably adverse impact upon the overall extent of this open space, or upon the existing level of amenity which it attributable thereto.

Within the context of the recent Examination into the now adopted Local Development Plan, the Council are on record, within the terms of their Schedule 4 Response relative to objections concerning the application site, as stating that the site could be removed from the wider CF1 designation as the land concerned is of limited size and would not undermine the character of the wider Rosemount area.

Whilst the modification to this end was not ultimately supported by the Reporter, it remains the case that in the professional view of the Council as planning authority, the application site could be removed from the CF1 designation, which would allow for its subsequent redevelopment as proposed under this application, without compromising the integrity of character of the wider CF1 area.

It follows naturally and incontrovertibly from this position that if the Council were content for the application site to be removed from the CF1 designation, they should equally be content to support the development of the application site, as proposed under this application, under the exceptions provision which is set out within part (b) of Policy CF1A.

Given that the purpose of this exception to the terms of Policy CF1 is designed to allow development to take place in circumstances where it would not give rise to any adverse affect on

either to continued recreational use of the resource, which does not apply in this case, or upon its amenity value, which the Council have fully accepted would not be adversely affected, it is submitted that the proposed development can be fully and reasonably justified against the provisions of part (b) of Policy CF1A.

With regards to those other Policies, which have been identified as being of relevance to the determination of the application proposals, the following comments are made.

Policy PM1A requires that development proposals must contribute positively to the quality of the surrounding built and natural environment. Given the nature of the application site and its relationship to the surrounding built environment, there is no reason to believe that a well designed house on this site would not make a positive contribution to the quality of the surrounding area. As the application proposals are presented in the form of a PPP application, it is considered that any specific design requirements which the Council may have in terms of the design of the dwelling house can be suitably addressed via conditions attached to any planning permission granted in respect of this application.

Policy PM1B sets out a range of placemaking criteria that require to be met by all development proposals. Given that the application seeks only to establish the principle of the erection of a single dwelling house on the site, there is no reason to assume that all of these criteria cannot be suitably addressed, with the Council having the ability to control compliance with the same via conditions attached to any planning permission granted in respect of this application.

It is therefore submitted that the proposed development can be fully and reasonably justified against the requirements of both Policy PM1A and Policy PM1B.

Policy PM3 requires that where the cumulative impact of new development will exacerbate a current or generate a future need for additional provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Given the scale and nature of the proposed development, it is considered that it will not give rise to any adverse impacts upon any existing infrastructure provision and as such, it is submitted that the proposed development can be fully and reasonably justified against the requirements of Policy PM3.

Policy TA1B requires that all development proposals, which involve significant traffic generation should be well served by, and easily accessible to all modes of transport.

The nature of the development proposed under this application is such that it will not generate significant amounts of traffic and accordingly, assessment of the application proposals against the detailed requirements of Policy TA1B is not required in this instance.

Policy NE2B requires that tree surveys should accompany all applications for planning permission where there are existing trees on the application site. Whilst mature trees demark both the northern and southern boundaries of the application site, none of these trees require to be removed in order to facilitate the erection of the proposed dwelling house, with the application site being of sufficient size to ensure that the proposed dwelling house can be safely accommodated on the site without giving rise to any adverse impact upon these existing trees.

A small number of poor quality fruit trees within the former orchard will require to be removed as part of the proposed development, but the size and nature of these trees is such that they do not warrant being the subject of a specific survey.

Full details of the trees to be retained on the site, and the means of protecting the same during construction works will be provided at the "matters specified" stage.

Accordingly, it is submitted that the proposed development can be fully and reasonably justified against the provisions of Policy NE2B.

Policy NE3 advises that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

As the application site comprises part of the garden ground, which lies within the long established domestic curtilage of the property at Belfield, it is considered that the proposed development will not give rise to any adverse impact upon any wildlife/wildlife habitat resources, which may exist within the area, which surrounds the application site.

On this basis, it is submitted that the proposed development can be fully and reasonably justified against the requirements of Policy NE3.

With regards to those provisions of Policy EP3, which are of relevance to the proposed development, it is submitted first of all that the proposed development will be connected to the sewerage network and secondly that sufficient land is within the control of the applicant to ensure that a suitable SUDs facility can be provided to serve the proposed dwelling house.

Accordingly, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy EP3.

6.0 CONCLUSIONS

In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.

For the purposes of this application, the relevant parts of the approved development plan comprise the adopted Perth & Kinross Local Development Plan.

With regard to the adopted Perth & Kinross Local Development Plan, the relevant provisions thereof are identified as being Policies CF1 (parts CF1A and CF1B), Policy PM1 (parts PM1A and PM1B), Policy PM3, Policy TM1 (part PM1B), Policy NE2 (part NE2B), Policy NE3 and Policy EP3.

These policies are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Development Plan.

For the reasons set out above, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.

No material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.

Accordingly, it is respectfully requested that Perth & Kinross Council grant planning permission in principle pursuant to this application.

DOCUMENT 4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/00827/IPL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	26.07.2015	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 50 Metres South Of Belfield Woodlands Road
Blairgowrie

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 2 June 2015

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwellinghouse in principle at land 50 metres south of Belfield, Woodlands Road, Blairgowrie. The site is located within the settlement boundary of Blairgowrie in an area zoned as open space. An existing stone wall on the road edge forms the northeast boundary, to west is a dwelling (within the applicant's ownership) which wraps around two boundaries of the site and to the southwest is a neighbouring dwelling and open space.

SITE HISTORY

No recent history

PRE-APPLICATION CONSULTATION

Pre application Reference: 14/00397/PREAPP

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy CF1A - Open Space Retention and Provision
Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

OTHER POLICIES

None specific to this scale of proposal

CONSULTATION RESPONSES

Education And Children's Service	Condition required as application is in principle
Scottish Water	No response within time
Transport Planning	No objection
Development Planning	Contrary to policy
Community Waste Advisor	No comment as proposal in principle

REPRESENTATIONS

The following points were raised in the 2 representations received:

Contrary to Policy
Loss of Open Space
Loss of trees
Overlooking: in relation to lack of information on house location/design

These issues are addressed in the appraisal section of the report.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

This site is situated within the settlement boundary of Blairgowrie and Rattray and is part of a larger open space designation within the settlement where Policy CF1A: Existing Areas applies.

The policy endeavours to protect designated open spaces from any development that does not necessarily contribute to recreational or amenity purposes for the local community, as well as protecting and enhancing local biodiversity. Given that this proposal is for a private dwellinghouse, the community would not gain any value from this loss of open space.

In the examination process, of the Local Development Plan, the Reporter also emphasised the importance of the designated open space within this area and stated that development would erode the special character of Rosemount endorsing the councils zoning of land within this area.

The agent has identified in the supporting statement that the application site functions as private garden ground for the property at Belfield. They also state that the Council conceded that the site being of limited size could be removed from the zoning without undermining the character of the wider area. However the reporter did not support this view and in light of the recent approval of the plan I see no case to depart from policy.

My view, given the designation in the LDP is that development on these areas should be resisted as this will only serve to undermine the policy designation and could lead to further erosion of these open space areas.

Design and Layout

The application is in principle and no details of the house type or location within the plot has been provided. I consider that should the principle of development be acceptable a dwelling could be accommodated within the site.

Landscape and Visual Amenity

The area is protected under policy CF1 Open Space which seeks to protect green space within settlements for its amenity value.

The development of this site would fill in a gap between two existing properties and set a precedent for similar gap sites which exist within Rosemount. This type of development would ultimately change the landscape character and visual amenity of this area.

Residential Amenity

No details have been provided in relation to an indicative house type or location within the plot. It is considered however that a dwelling could be

accommodated within the site without detrimentally impacting on existing or proposed residential amenity.

Roads and Access

The agent has confirmed within the supporting statement that the access to the site is to be taken from the existing access to Belfield. Transport Planning have no objection to the proposal, however as the application is in principle, should the proposal be acceptable conditions would be added to ensure the full access details are submitted with any subsequent application.

Drainage and Flooding

There are no flooding or drainage issues on the site.

Developer Contributions

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Newhill Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to Policy CF1A of the Perth and Kinross Local Development Plan 2014 which seeks to protect areas of existing open space from new development. The development of a house on this site would result in the loss of land which presently has value to the local community for amenity purposes.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00827/1
15/00827/2

Date of Report 02.07.2015

DOCUMENT 5

PERTH AND KINROSS COUNCIL

Mr M Wojtowicz
c/o Andrew Bennie Planning Ltd
Andrew Bennie
3 Abbots Court
Dullatur
G68 0AP

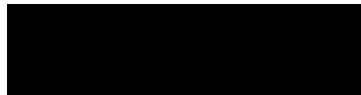
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 07.07.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 15/00827/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th May 2015 for permission for **Erection of a dwellinghouse (in principle) Land 50 Metres South Of Belfield Woodlands Road Blairgowrie** for the reasons undenoted.



 Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy CF1A of the Perth and Kinross Local Development Plan 2014 which seeks to protect areas of existing open space from new development. The development of a house on this site would result in the loss of land which presently has value to the local community for amenity purposes.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

15/00827/1

15/00827/2

DOCUMENT 6

2' UNDER FLOOR OF HOUSE

ABOUT 19" UNDER FLOOR OF HOUSE.

Raspberries
To remain 'till 1911.

Grass.

Roadway.

416

TCP/11/16(376)

Planning Application – 15/00827/IPL – Erection of a dwellinghouse (in principle), land 50 metres south of Belfield, Woodlands Road, Blairgowrie

PLANNING DECISION NOTICE (included in applicants submission, see pages 413-414)

REPORT OF HANDLING (included in applicants submission, see pages 405-410)

REFERENCE DOCUMENT (included in applicants submission, see pages 388-389)

TCP/11/16(376)

Planning Application – 15/00827/IPL – Erection of a dwellinghouse (in principle), land 50 metres south of Belfield, Woodlands Road, Blairgowrie

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00827/IPL	Comments provided by	ECS
Service/Section		Contact Details	Maureen Watt ext 76308
Description of Proposal			
Address of site			
Comments on the proposal	<p>This development falls within the Newhill Primary School catchment area.</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>		
Recommended planning condition(s)			
Recommended informative(s) for			

applicant	
Date comments returned	

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00827/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres South Of Belfield Woodlands Road Blairgowrie for Mr M Wojtowicz		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	05 June 2015		

Mr Joe Wilson (Objects)

Comment submitted date: Sun 21 Jun 2015

I have concerns regarding the impact on local open space which may be contrary to the council's policy.
From the application, I have limited information on the proposed house design and would be concerned if it was to overlook my property.

Paige Crighton

From: DEREK FRENCH [REDACTED]
Sent: 22 June 2015 14:04
To: Development Management - Generic Email Account
Subject: Planning Application Reference 15/00827/IPL

Dear Development Manager.

I object to the proposed erection of a dwelling house on the land adjacent to Belfield, Woodlands Road, Blairgowrie.

Given the very significant recent developments in Blairgowrie (particularly on Coupar Angus Road) there is no need for another house on this site. This can only be to increase the wealth of the owner.

If he is allowed to build on this site he will next be proposing further developments on his field North West of Belfield. That would destroy the last of the semi-rural nature of this area. Red squirrels and other wild life would cease to survive here.

**Derek French
23 Woodlands Park
Blairgowrie PH10 6UW**

ENTERED IN COMPUTE

22 JUN 2015

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00827/IPL	Comments provided by	Nicola Malone
Service/Section	Development Plans	Contact Details	Ext 75389 nmmalone@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 metres south of Bellfield, Woodlands Road, Blairgowrie		
Comments on the proposal	<p><u>Perth and Kinross Local Development Plan DPEA Examination</u></p> <p>Development within the designated open space in Rosemount was considered by the reporter at our DEPA Examination (this was specifically looking at an extension to H64 to the north and west although discusses development in this area as a whole). The importance of the open space designation was stressed:</p> <p><i>“Rosemount is a residential district of South Blairgowrie with a pleasant semi-rural character. Much of the land between Woodlands Road and Golf Course Road is open and undeveloped, and there are attractive areas of trees and woodland. Most of this land is privately owned, but it is important that this significant area of green space within the settlement boundary is protected for its amenity value.</i></p> <p><i>The undeveloped area was formerly designated as agricultural land in the adopted Eastern Area Local Plan, to protect its character. The Proposed Plan designates a wide area of Rosemount as open space, where Policy CF1: Open Space Retention and Provision is intended to apply. The option of excluding the land from the settlement boundary was discounted, as that would have created an artificial ‘island’ of countryside within the town. It would also be wrong to remove the protection afforded to this area, as development would erode the special character of Rosemount.”</i> (page 862, Reporter’s Report PKC LDP Examination)</p> <p><u>Perth and Kinross Local Development Plan 2014</u></p> <p>This site is situated within the settlement boundary of Blairgowrie and Rattray and is part of a larger open space designation within the settlement. It is highlighted that the LDP seeks to protect these areas of open space to ensure that the character and amenity of this area is maintained, as well as protecting and enhancing local biodiversity.</p> <p>Policy CF1A: Existing Areas seeks to safeguard open space which is currently identified in the LDP and discourages development which will result in a loss of this designated land. The policy endeavours to protect designated open spaces from any development that does not necessarily contribute to recreational or amenity purposes for the local community. Given that this proposal is for a private dwellinghouse, the community would not gain any value from this loss of open space. The Reporter has also emphasised the importance of the designated open</p>		

	space within this area. Therefore, this application for planning permission in principle is contrary to the Perth and Kinross Local Development Plan 2014.
Recommended planning condition(s)	
Recommended informative(s) for applicant	As we begin to prepare our second LDP, we have received numerous representations at our Call for Sites stage to revise the open space boundary in Rosemount around properties to allow for intermittent development. It is suggested the applicant follows the progress of this and provides representations at the Main Issues Report consultation which will be taking place over Autumn/ Winter 2015.
Date comments returned	1 July 2015

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00827/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres South Of Belfield Woodlands Road Blairgowrie		
Comments on the proposal	<p>I note that the proposal is an 'in principle' proposal, but it would have been beneficial to have had more detail on the proposed access than was provided for in the application. Whilst there does not appear to be any major technical or road safety issues to prevent the forming of a satisfactory access at the site, I would like to see more detail come forward in any future application for reserved matters and for this reason I have attached the following conditions to ensure that any future reserved matters application fully addresses this issue.</p>		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority. • Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. 		
Recommended informative(s) for applicant	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
Date comments returned	02 July 2015		

